

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of)
Todd A. Wolford, et al.) Group: 3733
Serial No.: 10/662,559)
Filed: September 15, 2003)
Title: METHOD OF MANUFACTURING AN)
ORTHOPAEDIC REAMER) Examiner: A. Ramana

RESPONSE TO RESTRICTION REQUIREMENT

MS Amendment
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

Responsive to the restriction requirement in the Office Action dated August 3, 2006, Applicants hereby elect, with traverse, the invention recited in Group II, claims 15-18, directed to an orthopedic reamer, in the above-identified application.

The Examiner has restricted Applicant's claims into two (2) groups as follows:

Group I, being claims 1-3, 6-10, 13, and 14, drawn to a method of manufacturing an orthopaedic reamer; and

Group II, being claims 15-18, drawn to an orthopaedic reamer.

The Examiner asserts that the inventions of Groups I and II are distinct because the reamer can be made by a process not involving a single bending step.

Applicants' respectfully disagree that the present inventive orthopaedic reamer can be made by a process not involving a single bending step, for at least the reasons set forth below.

Claim 1 is directed to a method of manufacturing an orthopaedic reamer. Claim 1 recites, in part, bending each said cutting edge in a single bending operation about an axis extending between said base ends, each said cutting edge having a shape after said bending step which is predefined by said cutting step, wherein each said cutting edge extends radially inwardly from said convex side to said concave side.

Claim 15 is directed to an orthopaedic reamer. Claim 15 recites, in part, a plurality of cutting teeth formed in said shell, each said cutting tooth having a cutting edge extending from said cutting face, and a pair of relief cuts extending transverse from opposite ends of said cutting edge, each said relief cut terminating at a base end, each said cutting tooth bent about an axis extending between said base ends, wherein each said cutting edge extends radially inwardly from said convex side to said concave side.

Rather than being made by a process not involving a single bending step, Applicants specification particularly calls for the orthopaedic reamer in accordance with the invention of claim 15 to employ a single bending operation for bending each cutting tooth in order to inexpensively and accurately form the cutting teeth, in contrast to conventional manufacturing techniques, in which each tooth is stamped in multiple stamping operations.

For example, Applicants respectfully direct the Examiner's attention to Applicants' specification at page 4, lines 6-16, which is reproduced below for the sake of convenience.

With conventional manufacturing techniques, each cutting tooth is stamped in multiple stamping operations. In contrast, the manufacturing method of the present invention uses two primary design criteria to establish the final shape of each cutting tooth 12. First, the shape of each cutting edge is formed not with respect to the shape prior to bending, but rather with regard to the desired final shape after bending. Second, each cutting tooth is bent in a single bending operation about an axis extending between the base of relief cuts 26. Preferably, each opening 20 is cut with

a fast and clean manufacturing process, such as by laser cutting. By laser cutting the openings and bending each tooth in a single bending operation, the plurality of cutting teeth 12 may be quickly, inexpensively and accurately formed in shell 16. A portion of each cutting edge 22 may be removed, as shown in section lines 32 in Fig. 4, to define a sharper cutting edge. (Emphasis added).

Thus, one of two primary design criteria for Applicants' claimed invention is that each cutting tooth is bent in a single bending operation. Since the primary design criteria establish the inventive orthopaedic reamer in accordance with Applicants' invention of claim 15, Applicants respectfully submit that it is clear that the orthopaedic reamer in accordance with Applicants' invention must be manufactured by employing a single bending operation in order to bend each tooth.

Accordingly, Applicants' respectfully submit that the orthopaedic reamer of claim 15 cannot be made by a process not involving a single bending step, since doing so would violate Applicants' specific design criteria established for the orthopaedic reamer set forth in Applicants' specification.

Accordingly, the product, as claimed, cannot be made by another materially different process, and hence, Applicants' respectfully request the Examiner to withdraw the restriction requirement under MPEP §806.05(f).

In the event Applicants have overlooked the need for an extension of time, an additional extension of time, payment of fee, or additional payment of fee, Applicants hereby conditionally petition therefor and authorize that any charges be made to Deposit Account No. 20-0095, TAYLOR & AUST, P.C.

Should any questions concerning the foregoing arise, the Examiner is invited to contact the undersigned at (317) 894-0801.

Respectfully submitted,



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